

REMARKS/ARGUMENTS

Claims 1-22 are pending. Claims 1, 10, 16, and 22 are independent claims. Claims 1-5, 8-11, 16-17, and 21-22 are rejected under 35 U.S.C. 1.03(a) as being unpatentable over Crow et al. (US 6262724, application 1999, hereafter Crow) in further in view of Modeste et al. (US 5852800, filed 20 October 1995, hereafter Modeste) and further in view of O'Rourke et al. (US 2002/0198953, filed 26 June 2001). No Claims have been amended. No new matter has been added.

Claim Rejections

With regard to Claim 1, the Office Action states that Crow discloses “Generating the rich media presentation (column 3, lines 14- 19; column 18, lines 30-38: Here, the creation of media files is the generation of the presentation).” Claim 1, however, does not recite “Generating the rich media presentation.” Instead, Claim 1 recites in part “selecting an appropriate rich media presentation to be provided to the internet browser on the network device from among a plurality of rich media presentations based on the detected one or more attributes of the internet browser, or the network device, or the internet browser and the network device rich media presentation capabilities.” Crow does not teach these limitations.

Instead, Crow, at column 3, lines 14-19 states “According to another aspect of the present invention, a method is provided for generating a graphical user interface for control of processing of time-based media data. In an exemplary method according to this aspect, a first set of data representing the graphical user interface is generated and displayed as a primary window. A second set of data representing an auxiliary drawer window is generated for display.” A

graphical user interface is not a rich media presentation. Further, Column 18, lines 30-38 of Crow states “Therefore, a user may select substantially any start or end time to determine a particular range of time for playback in a time-based media file. The selected range may be played back, used for editing (e.g., it may be cut from, added to, etc., to a time-based media file), used for creating a new time-based media file with the selected range and placing a corresponding icon in the favorite/channel drawer, or other purposes.” Nowhere, however, does Crow disclose selecting a media presentation from among a plurality of rich media presentations based on the detected one or more attributes of the internet browser, or the network device, or the internet browser and the network device rich media presentation capabilities.” Instead, Crow teaches that a user may select a start time or an end time of a playback. Since Crow does not teach the recitations found within Claim 1, claim 1 and the claims depending from Claim 1 are proposed to be allowable.

With regard to Claim 10, the Office Action recites “As per independent claim 10, the applicant discloses the computer readable medium having computer executable instructions for the execution of the method of claims 1 and 2. Claim 10 is similarly rejected.” The Applicants respectfully disagree. Claim 10 recites in part “automatically determining when a rich media presentation is accessed; wherein the rich media presentation is presented within a banner ad within an internet browser on a device that is coupled to a network.” Crow does not determine when a rich media presentation is accessed; much less determine that the media presentation is presented within a banner ad within an internet browser. Column 1, lines 18-31 of Crow states that “There are a number of file structures used today to store time-based media: audio formats such as AIFF, video formats such as AVI, and streaming formats such as RealMedia. They are

different at least in part because of their different focus and applicability. Some of these formats are sufficiently widely accepted, broad in their application, and relatively easy to implement, that they are used not only for content delivery but also as interchange formats such as the QuickTime™ file format.” Merely describing that there are various file structures and formats that may be used for time-based media does not disclose that the rich media presentation “is presented within a banner ad within an internet browser” or teach “automatically determining when a rich media presentation is accessed.” Claim 10, and the claims depending from Claim 10, is proposed to be allowable for at least these reasons and the reasons presented above.

Claim 16 is rejected using arguments made with respect to Claims 1 and 2. The Applicants submit that Claim 16, and claims depending from Claim 16, are allowable for at least the reasons presented above.

With regard to Claim 22, the Office Action states that “As per independent claim 22, the applicant discloses a limitations similar to those of claims 1 and 2, and Crow, Modeste, and O'Rourke disclose similar limitations.” The Applicants submit that Claim 22, and claims depending from Claim 22, are allowable for at least the reasons presented above.

Conclusion

In view of the foregoing amendments, all pending claims are believed to be allowable and the application is in condition for allowance. Therefore, a Notice of Allowance is respectfully requested. Should the Examiner have any further issues regarding this application, the Examiner is requested to contact the undersigned attorney for the applicant at the telephone number provided below.

Respectfully submitted,

MERCHANT & GOULD P.C.



A handwritten signature in black ink, appearing to read "T P Sullivan". It is positioned above a horizontal line.

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